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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,714	10/17/2003	John T. Anderson	23248.00	8806

7590 09/29/2004

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EXAMINER

FUNK, STEPHEN R

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/686,714

Applicant(s)

JOHN T. ANDERSON

Examiner

Stephen R Funk

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 35-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 - 34, drawn to a method and apparatus for applying a mesh screen to inner and outer frames, classified in class 101, subclass 127.1.
- II. Claims 35 - 50, drawn to a mesh screen and method of seal coating, classified in class 101, subclass 128.21.

The inventions are distinct, each from the other because:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the inner and outer frames could be used with a non-sealed screen mesh. The subcombination has separate utility such as mounting to a conventional single frame screen assembly.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Dolph Torrence on September 23, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1 - 34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 35 - 50 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The disclosure is objected to because of the following informalities: The specification fails to address all of the reference numerals in the drawings and some figures in their entirety.

The following are examples only:

In Figures 1 - 5 reference numerals 20, 22, and 24 are not addressed.

In Figure 6 numeral 50 is not addressed.

In Figures 11A and 11B numeral 102 is not addressed.

In Figures 15 - 19 numerals 140, 142, 144, 146, 150, 152, 160, 170, and 180 are not addressed. Furthermore, it is not apparent how the inner frame in Figures 15B and 15C associates with the mesh and outer frame of Figure 15A. See page 23 in the specification. Figures 16 - 19 are not addressed at all in the specification and it is not readily apparent from the figures alone how the ink/fluid barriers acts as barriers to the ink/fluid. See page 12 lines 15 - 22 in the specification, for example.

In Figures 21 - 30 numerals 210 - 22, 232, 236, 240 (left side of figure) - 244, 250 - 260, 282 - 286, , 312, 314, 318, 320, 330 - 340, 350 - 360, 370 - 380, 400 - 408, 500 - 512 are not addressed. Again, the figures alone are sufficient to adequately describe the functions of these elements or how they interact.

Applicant should carefully review the remaining figures and the relevant parts of the specification. While pages 28 - 37 in the specification are somewhat informative, the lack of any reference to the drawings does not fully explain how the invention works.

Overall, it is not clear how the inner frame is attached to the screen mesh. In the Abstract lines 8 - 9, pages 29 - 30, Figures 51B and 52, claim 5 lines 3 - 4, claim 13 lines 3 - 6, claim 15 lines 3 - 7, and claim 17 lines 3 - 6 it appears that the inner frame is attached in the non-print

Art Unit: 2854

direction (i.e. along the sides of the mesh) while the outer frame is attached in the print direction (i.e. the ends of the mesh). However, in the sentence bridging pages 9 - 10, pages 23 - 24, and claim 1 lines 15 - 16 it appears that the inner frame is also attached in the print direction. Furthermore, it is unclear in itself what is meant by the mesh being attached in the print direction. Does this mean along the print direction (i.e. along the sides of the mesh) or at the ends of the print direction (i.e. at the ends of the mesh)? Since the disclosure uniformly uses the terminology "in the print direction" with respect to the outer frame and the figures clearly show the outer frame being attached to the ends of the mesh, it will be presumed that "in the print direction" refers to the ends of the mesh. However, the terminology itself is unclear. Additionally, the "end" frames 204 in Figures 20A - 20B would appear to tension the mesh in the print direction. However, it is then stated on page 24 lines 10 - 13 that end frames are expanded to apply tension "laterally" to the mesh. The term "laterally" would imply applying tension in the non-print direction.

Appropriate correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include numerous reference characters not mentioned in the description. Note the comments above.

In Figure 22 reference numeral 240 is used to indicate two different elements.

Figures 31A, 31B, 32A, 32B, 33A, 33B, 34 - 37, 39A, 39B, 40A, 40B, 41A, 41B, 44A, 44B, 45A, 45B, 46A, and 46B do not adequately illustrate the inner frame components or how the inner frame interacts with the outer frame. The lack of addressing the reference numerals in

these figures in the specification and the views themselves do not clearly show how the inner frame is attached to the mesh.

Applicant should carefully review the remaining figures and the relevant parts of the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1 - 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1 it cannot be accurately determined if the inner and outer frames are attached to the same, or a different, part of the mesh screen for the reasons stated above. The language "in the print direction" with respect to both frames appears to recite that both frames are attached to the same part of the mesh screen. However, the disclosure appears to contradict this.

Art Unit: 2854

In claims 10, 11, 18, 27, and 28 the construction of the ink/fluid barriers is unclear from both the specification and the drawings. Note again the comments above.

In claim 22 line 2 it is not apparent what structure is encompassed by “means for applying strip material” to the edges of the screen mesh. This recitation implies structure for applying the strip material to the mesh, not the strip material itself. However, there is no disclosure of structure for applying the strip material to the mesh.

Claims 18 - 34 are objected to because of the following informalities:

In claim 18 line 5 “to a screen/mesh” has no clear meaning in context. It is not clear what is being done “to” the screen/mesh.

In claim 28 lines 2 “the ink/fluid barriers” lacks proper antecedent basis. Note that claim 28 depends from claim 18, not claim 27.

Appropriate correction is required.

Claims 1 - 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 11 - 12 and 15 - 16 it is not clear what the recitation “in the print direction” encompasses. Note the comments above.

In claim 18 lines 7 - 8 and claims 19 and 20 line 2 it is not clear what the recitations “configured for” and “configured to” encompass. In claim 18 lines 7 - 8 it is not clear if the outer frame is positively recited as being outside of the inner frame or merely that an outer frame, for example, “can be configured for” placement outside the inner frame. With respect to claims 19 and 20 it is not clear what structure, if any, is encompassed by the recitations of the

apparatus being “configured to” apply tension forces. Do these recitations encompass clamps or merely the frames themselves? If it is the clamps, then this structure should be positively recited so as to warrant the functional language.

In claims 29 - 31 and 33 the positive recitation of the screen/mesh lacks proper antecedent basis as it does not appear to be positively recited in parent claim 18. More importantly, the recitations of the screen/mesh being configured “on a roll” in claim 29, “one or more screens/mesh” in claim 30, and “individual pre-cut pieces” in claim 33 appear to recite the screen mesh before being applied to the frames. It is not clear if the apparatus includes the roll of screen/mesh or plural pieces of the screen/mesh or only that mesh applied which is applied to the frames.

The claims cannot be adequately examined with respect to the prior art at this time due to the lack of clear and consistent support in the specification and drawings for the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the compound frame structures of Tanaka ('665), Hamu ('745), and Bornemann ('454).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (571) 272-2164.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (571) 272-2168.

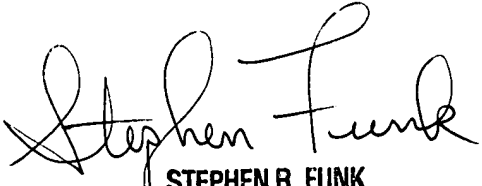
The fax phone number for ALL official papers is (703) 872-9306. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner at (571) 273-2164.



Application/Control Number: 10/686,714  
Art Unit: 2854

Page 8

SRF  
September 27, 2004

  
**STEPHEN R. FUNK**  
**PRIMARY EXAMINER**